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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/726,480

12/04/2003

Claude Fournier

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10/04/2006

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EXAMINER

WILLIAMS, KENT L

ART UNIT

PAPER NUMBER

2112

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,480

Applicant(s)

FOURNIER, CLAUDE

Examiner

Kent L. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on December 4th, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on December 4th, 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: There are typos on page 8, line 27 and page 9, line 27 where "other" is misspelled "oth_r" and "more" is misspelled "mor_", respectively. Appropriate correction is required.

Claim Objections

2. Claim 9 is objected to because of the following informalities: The claim contains a typo where "noises" is misspelled "nois_s". Appropriate correction is required.
3. Claim 13 is objected to because of the following informalities: Claim 13 depends on itself. The examiner believes the claim should be dependent on claim 12 and has evaluated claim 13 as such hereinafter. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 through 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Hale et al. (U.S. Patent 6,732,180 B1).

Claim 1 and 12 are taught in the prior-art as a method and system, respectively, to render peer-to-peer (P2P) networks unusable by an automated process to distribute decoy files resembling proprietary media thereby inhibiting unauthorized media distribution. (Column 4, lines 49-64). Providing a corrupted copy of the copyrighted digital file and sharing sufficient similarities in order to be identifiable by an end-user on a first computer is taught as "...manufacturing at least one shared decoy media file comparable to said identified shared media properties... (Column 12, lines 10-11)." Connecting said first computer server to the P2P network, and allowing access to said at least one corrupted copy over the P2P network to said at least one end-users is taught as "...making said decoy file accessible to said media sharing network and automated search engines executed in association therewith... (Column 12, lines 12-14)." Objectifying the invention as decreasing the probability that one of the end-users accesses the copyrighted digital file, diminishing the reliability of the P2P network and contributing to the dissuasion of unauthorized distribution of the copyrighted digital file is summarized in the prior-art as "...to inhibit and deter unauthorized users to proprietary media, leaving legitimate uses unaffected. (Column 4, lines 55-58)."

Claim 2 and 13 are taught in the prior-art as "Typical content for the decoy media can include, without limitation; white noise, degraded version of proprietary media, warnings of the legal consequences of sharing copyrighted media, advertisements and other desired decoy media. (Column 8, lines 14-17)." The examiner interprets

"degraded version of the proprietary media" to be inclusive of truncation, degraded quality and partial incompleteness. Adding "white noise" is a form extraneous information not included in the (original) copyrighted digital file.

Claim 3 is taught in the prior-art as "Typical content for the decoy media can include, without limitation; white noise, degraded version of proprietary media, warnings of the legal consequences of sharing copyrighted media, advertisements and other desired decoy media. (Column 8, lines 14-17)." The examiner interprets "degraded version of the proprietary media" to be inclusive of corruption and truncation of the content.

Claim 4 and 17 are taught in the prior-art as "...the present invention can be practiced to employ its cooperative scanning, manufacturing, sharing and supervisory control to share any form...of file structures supporting media content...would include without limitation text files, video files, audio files, any combination thereof as well as to be future developed file structures... (Column 3, lines 63-67 through column 4, lines 1-7)." The examiner interprets audio files to be supportive of any form of music.

Claim 5 is taught in the prior-art as "Typical content for the decoy media can include, without limitation; white noise, degraded version of proprietary media, warnings of the legal consequences of sharing copyrighted media, advertisements and other desired decoy media. (Column 8, lines 14-17)." The examiner is interpreting "attribute" as "a quality, property, or characteristic of somebody or something. (Encarta© World English Dictionary)." Therefore, an attribute of any file is its respective content alongside its extension and header information. Changing at least one file attribute in

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the decoy (or corrupted copy of the copyrighted digital file) is equivalent to the supra prior art.

Claim 6 and 18 are taught in the prior-art as “Though disclosed, discussed and claimed in terms of Internet usage and the preclusion of sharing MP3 files...the benefits of the instant invention are not intended to be so restricted. (Column 3, lines 56-60).” Motion Picture Experts Group 1, Audio Layer 3 (MP3) format, exemplary within the prior-art’s disclosure, was developed as an *audio compression* technology to compress CD-quality sound and retain most of the original fidelity (Encarta© Encyclopedia). MP3 *audio* file format is intended solely for the storage of music.

Claim 7 and 19 (that are dependant on claim 6 and 13 respectively) are taught in the supra prior-art. Waveform sound file (WAV) format is taught as “Examples of structures supporting media content upon to which the present invention may be directed would include, without limitation text files, video files, audio files... (Column 4, lines 1- 4).” A WAV file is another embodiment of an audio file.

Claim 8 and 20 (that are dependant on claim 6 and 13 respectively) are taught in the prior-art as “Typical content for the decoy media can include, without limitation; white noise... (Column 8, lines 14-15).” Glitches and noises within an audio file (either MP3 or WAV) are both equivalent to including white noise within the decoy media (or corrupted copy of the copyrighted digital file).

Claim 9 and 21 are taught in the prior-art as “The objective of the instant invention’s manufacture process is to construct decoy media files...by extracting a collection of media property sets...describing a collection of decoy media files to be

constructed. (Column 8, lines 2-9)." The examiner interprets the prior-art as using a database of copyrighted digital files from which the decoy (or corrupted copy of the copyrighted digital file) is created. Using an original file to construct the corrupted version of the file is intrinsic to corrupting the original file per se.

Claim 10 and 15 are taught in the prior-art as "Once the login [to the P2P network] is completed, the check process can initiate searches to assess effective decoy ratios. (Column 10, lines 8-10)." The examiner equivocates "searches" with querying the P2P network for a copy of the copyrighted file, and "assess effective decoy ratios" with monitoring occurrences of copies of the copyrighted file. An effective decoy ratio (E) is the comparison of legitimate proprietary media versus the corrupted versions: " $E = D/T$ " where T represents the total number of search hits returned and D represents the number of hits determined to be decoy media. (Column 10, lines 20-26)." Claim 15 further includes a second computer server, which is illustrated within figure 9 of the prior-art.

Claim 11 and 16 are taught in the prior-art presented. In order to be able to calculate the effective decoy ratio, it must be determinable which of the search results are decoys (or corrupted copy of the copyrighted digital file). It is inherent, from the presented prior-art, that the decoy media file will contain differences from the original media file, and the differences will be identification used to differentiate the decoys from the originals.

Claim 14 is taught in the prior-art as "The instant invention's share component facilitates the distribution and propagation of decoy media within media sharing network

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communities and is described in association with Figure 6. This process begins with the selection of valid media sharing network community account name from the UNDB under which to join the community. (Column 8, lines 40-47).” Allowing an end-user access to a corrupted version of the copyrighted digital file by gaining access to the P2P network is equivocal to choosing an account login name to gain access to the P2P network in order to propagate decoy media.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee et al. (U.S. Patent Application Publication 2002/0082999 A1), published June 27th, 2002 discloses variations of Hale et al.'s invention. Lee discloses collecting the copyrighted digital music files from the peer-to-peer network and corrupting them by either "...inserting noise component such as a voice... (Claim 7)" or by "...lowering a sampling rate of the collected music file to below that of an original file... (Claim 8)" or by "converting a multi-channel sound of the collected music file to a single-channel sound, thereby deteriorating the sound quality... (Claim 10)." Lee gives one more suggestion for corrupting the copyrighted digital file by using a cut-and-paste function on the contents of the original file.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent L. Williams whose telephone number is 571-272-

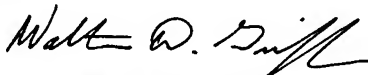
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1376. The examiner can normally be reached on Mon-Fri 7:30-5:00 with Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KLW
9/07/2006


WALTER D. GRIFFIN
SUPERVISORY PATENT EXAMINER